

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|-------------------------------------|---|-------------------------|
| In re Patent Application of:        | ) | Confirmation No.: 7953  |
| Vincent H. TIEU, <i>et al.</i>      | ) | Group Art Unit: 3621    |
| Serial No. 10/712,268               | ) | Examiner: Firmin Backer |
| Filed: November 14, 2003            | ) |                         |
| For: SYSTEM AND METHOD FOR GRANTING | ) | Date: October 15, 2007  |
| ACCESS TO AN ITEM OR PERMISSION     | ) |                         |
| TO USE AN ITEM BASED ON             |   |                         |
| CONFIGURABLE CONDITIONS             |   |                         |

**RESPONSE AFTER FINAL**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Claims 1-3 and 5-40 are pending in this application. In response to the final Office Action mailed June 14, 2007, reconsideration of the above-identified application is respectfully requested based on the following remarks.

Claims 1-3 and 5-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated under Levitt et al. (U.S. Patent Application Publication No. 2002/009544). However, Applicants, upon reviewing the office action, are unsure about the Examiner's basis for rejecting these claims in view of Levitt. In particular, in making the rejection, the Examiner asserts that "Gilliam et al." teach the claimed invention, and no specific reasoning whatsoever is provided with regard to Levitt. However, in the hopes of furthering prosecution of this application, Applicants respond herein based on the disclosure of Levitt.

Independent claim 1 recites a computer-implemented method for processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions, the method comprising receiving a request to use the item, the item having associated rights expressions governing use of the item, returning one or more rights expressions including one or more conditions that must be satisfied in order to use the item, and processing the returned rights expressions in a manner to facilitate selection of the returned rights expressions in order to use the item in accordance with the selected rights expressions, and including prioritizing the returned rights expressions based

on the one or more conditions of the returned rights expressions, so as to facilitate selection of the returned rights expressions.

Independent claim 37 recites a system for processing plural rights expressions associated with an item for controlling use of the item in accordance with the rights expressions, the system comprising means for receiving a request to use the item, the item having associated rights expressions governing use of the item, means for returning one or more rights expressions including one or more conditions that must be satisfied in order to use the item, and means for processing the returned rights expressions in a manner to facilitate selection of the returned rights expressions in order to use the item in accordance with the selected rights expressions, and including means for prioritizing the returned rights expressions based on the one or more conditions of the returned rights expressions, so as to facilitate selection of the returned rights expressions.

Independent claim 40 recites a device for processing plural rights expressions associated with an item for controlling use of the item in accordance with the rights expressions, the device comprising means for receiving a request to use the item, the item having associated rights expressions governing use of the item, means for returning one or more rights expressions including one or more conditions that must be satisfied in order to use the item, and means for processing the returned rights expressions in a manner to facilitate selection of the returned rights expressions in order to use the item in accordance with the selected rights expressions, and including means for prioritizing the returned rights expressions based on the one or more conditions of the returned rights expressions, so as to facilitate selection of the returned rights expressions.

Thus, the pending claims relate to digital rights management (DRM) technology, and include features for rights expression language (REL) interpretation and/or processing. More particularly, the claims relate to an efficient mechanism to identify applicable licenses for meeting users' requirements.

In contrast, Levitt merely relates to a system and method for speech recognition, and does not relate to DRM in any noteworthy capacity. In particular, Levitt discloses “grammar expressions” may be played back to users, and that they may be “prioritized and conditionally outputted to a user based on the score.” The grammar expressions of Levitt are not components of a DRM system, but are instead tools used to recognize user utterances. (Paragraphs [0009]-[0011]). For example, Levitt discloses a method for “recognizing utterances utilizing the database of grammars.” (Paragraph [0162]). In addition, “various grammars recognized from utterance components are combined to make intelligent guesses about what the user is saying.” (Paragraph [0168]).

Levitt completely fails to disclose or suggest each and every feature of the invention as recited in the claims. For example, there is no disclosure whatsoever in Levitt relating to processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions, as is recited in the claims. Moreover, Levitt fails to disclose or suggest receiving a request to use an item, the item having associated rights expressions governing use of the item, as is recited in the claims. Furthermore, Levitt fails to disclose or suggest returning one or more rights expressions including one or more conditions that must be satisfied in order to use the item, as is recited in the claims. Also, Levitt fails to disclose or suggest processing the returned rights expressions in a manner to facilitate selection of the returned rights expressions in order to use the item in accordance with the selected rights expressions, as is recited in the claims. Finally, Levitt fails to disclose or suggest prioritizing returned rights expressions based on one or more conditions of the returned rights expressions, so as to facilitate selection of the returned rights expressions, as is recited in the claims.

For at least the above reasons, and in view of the clear distinctions between the features recited in the claims and the teachings of Levitt, Applicants respectfully submit that Levitt fails to disclose or suggest each and every feature recited in claims 1-3 and 5-40 under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully submit that the rejection of claims 1-3 and 5-40 should be reconsidered and withdrawn.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

**NIXON PEABODY, LLP**

Date: October 15, 2007

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